

Notice of Allowability

Application No.

09/695,631

Examiner

James S. Wozniak

Applicant(s)

FLANAGAN ET AL.

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the after final amendment filed on 6/30/2006.
2. ☒ The allowed claim(s) is/are 1-7, 9-17, 19-20, and 22 (now claims 1-19).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Response to Amendment

1. In response to the office action from 3/31/2006, the applicant has submitted an amendment, filed 6/30/2006, amending claims 1, 9, 13-14, 17, 19-20, and 22, while arguing to traverse the art rejection based on the limitation regarding caption pre-editing that involves changing and correcting caption text content (*Amendment, Pages 8-10*). Applicant's arguments have been fully considered, and claims 1-7, 9-17, 19-20, and 22 are allowable over the prior art of record for the below given reasons.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Carol Stovsky (*Reg. No. 42,171*) on 7/11/2006.

3. The application has been amended as follows:

Replace the paragraph on page 13, line 3 of the specification with the following paragraph:

In step 504, phonetically based and other spelling errors occurring in the incoming text stream are corrected. Dictionaries that comprise phonetic spellings and associated correct spellings may be used to complete the correction of spelling errors. In the next step 506, sentence boundaries are identified and demarcated. In step 508, clause boundaries are identified and demarcated. Personal, business, and place names also may be identified and demarcated. After the sentence and clause boundaries are identified and demarcated, punctuation is added to the sentences and clauses, as appropriate in step 510. In step 512, ellipses appearing in the text stream are identified and text is inserted to complete the sentence. For unaccented text, accents are inserted where appropriate in step 514. In step 516, the speaker is identified based on CC position or voice print so the proper identifying information may be added to the output. Finally, in step 518, the pre-editing process checks for the end of the text stream to determine whether there is additional CC text to translate. If there is additional CC text to translate, the pre-editing process continues. Steps 502 to 516 are repeated for the incoming CC text.

Allowable Subject Matter

4. **Claims 1-7, 9-17, 19-20, and 22** are allowable over the prior art of record.
5. The following is an examiner's statement of reasons for allowance:

With respect to **Claims 1, 9, and 17**, the prior art of record fails to explicitly teach or fairly suggest, either individually or in combination, a system and method for translating closed caption text in a television signal during a broadcast comprising: a closed caption decoder at a server that extracts closed caption text from a video program signal, pre-editing software at a sever that changes the content of the closed caption text (*as described on Page 13 of the specification*) prior to translation processing, machine translation software at a sever that translates pre-edited caption text into a target language, an encoder for recombining the translated captions with the video program signal, and a caption receiver that allows a viewer to access decoded closed captions if a captioning option is selected.

Although Toole et al ("*Time-Constrained Machine Translation*," 1998) disclose a machine translator located at a server (*server-based closed caption translator*, Page 106, Section 3) for translating closed captions in real-time and a pre-editing process in the form of parsing (*parsing prior to input to a machine translator at a server*, Page 107, Section 3.1; *part-of-speech tagging*, Page 108, Section 3.2), the pre-editing process taught by Toole does not actually alter the content of the text. Parsing, as taught by Toole, merely serves to label input caption text, while the pre-editing process of the present invention alters the actual content of the caption data as per page 13 of the specification. Also, Toole et al additionally fail to teach a caption decoder and caption viewing option, as is recited in the presently claimed invention.

Although Turcato et al ("*Pre-processing Closed Captions for Machine Translation*," 2000) teach pre-processing of closed caption text prior to machine translation, Turcato specifically notes that caption pre-processing is carried out at machine translation device embedded in an end-user consumer product (*Page 42, Column 1*) and not a server, as is required

by the presently claimed invention. Also, since the device is embedded in an end-user product, one of ordinary skill in the art would not be motivated to combine a caption encoder (*such as that disclosed by Hiroi et al (official translation of JP 10234016 A), Prior office action, Page 4*), which combines a translated caption with a television signal, with the teachings of Turcato because the decoded caption in Turcato is already located at an end user device, and thus, there would be no need to re-encode it for broadcast.

Thus, Claims 1, 9, and 17 are allowable over the prior art of record.

The dependent claims further limit allowable independent claims, and thus, are also allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Wozniak whose telephone number is (571) 272-7632. The examiner can normally be reached on M-Th, 7:30-5:00, F, 7:30-4, Off Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached at (571) 272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James S. Wozniak
7/11/2006



DAVID HUDSPETH
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